

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

UNITED STATES OF AMERICA,

CRIMINAL ACTION

VERSUS

CASE NO.: 3:18-cr-182-HTW-LRA

MICHAEL LEBLANC, SR.
TAWASKY VENTROY
MICHAEL LEBLANC, JR. and
JACQUE JACKSON

SECTION

**UNOPPOSED MOTION FOR CONTINUANCE OF TRIAL AND PRE-TRIAL
DEADLINES**

Now into Court, through undersigned counsel, come defendants, who respectfully move this honorable Court for a continuance of the trial in this matter presently scheduled for December 10, 2018. This request is made on the basis of the following:

I.

Defendants were indicted on September 19, 2018 in a three-count Indictment charging violations of 18 U.S.C. 371 and 18 U.S.C. 666. An initial production of discovery containing 37 discs and other materials was made available on October 23, 2018. Preparing a defense against these allegations requires substantial investigation and may raise legal issues that need to be addressed in pretrial motions. In addition, defendants require additional time to further investigate their cases and review discovery to be able to engage in meaningful plea discussions.

II.

In light of these issues, defendants respectfully request that the trial be continued at least 90 days. This continuance will allow defendants to investigate these allegations, review discovery, file any appropriate motions, or engage in plea negotiations. This is the defendants' first request for a continuance.

III.

Title 18, United States Code, Section 3161(h)(7)(A) provides, in pertinent part, that any period of delay resulting from a continuance granted on the basis of a Court's findings that the ends of justice service by the granting of a continuance outweigh the best interest of the public and the defendants in a speedy trial shall be excluded in computing the time within which the trial must commence.

IV.

The factors which a judge shall consider in determining whether to grant a continuance are enumerated in 18 U.S.C. 3161 (h)(7)(B)(iv). One of these factors is whether denial of a continuance would deny counsel for the Defendants a reasonable time necessary for effective preparation taking into account the exercise of due diligence. Defendants recognize that they have a right to speedy trial within specified delays. However, as discussed above, defendants require additional time to prepare for trial or engage in meaningful discussions to resolve this matter in lieu of trial.

V.

In view of the above considerations, the granting of this motion would be in the best interests of justice and would outweigh the interests of the public and the defendants in a speedy trial.

VI.

The Government, through Assistant United States Attorney Jay Golden, has been contacted and has no objection to this motion.

WHEREFORE, for the reasons stated herein, defendants, respectfully requests that the trial, and pre-trial deadlines be continued in this matter.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on 2nd day of November, 2018, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to the following: Jay T. Golden, Assistant United States Attorney, 1575 20th Avenue, Gulfport, MS 39501.

/s/ BRIAN J. CAPITELLI
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